

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13150 of 2004

Between:

Vekanna, S/o Hanumanthu,
T/R of Kanchikacherla Village & Mandal, Krishna District, Andhra Pradesh.

..... PETITIONER

AND

- 1 The District Collector, Krishna District, Andhra Pradesh.
- 2 State of Andhra Pradesh, Rep. by its Secretary, Panchayat Raj Rural Development Department, Secretariat Buildings, Hyderabad.
- 3 The Chairman, District Level Committee of Sand Auction, Zilla Parishad, Krishna District, Machilipatnam, A.P.
- 4 The District Panchayat Officer, Nandigama Division, Krishna District, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to set aside the action of the respondents in granting and permitting sand quarrying in Kanchikacherla Village and Mandal, Krishna District, Andhra Pradesh as illegal, unconstitutional and violative of Article 14, 16 and 21 of Constitution of India and consequently direct the respondents not to permit any sand quarrying in future in the Kanchikacherla Village and Mandal, Krishna District, Andhra Pradesh.

Counsel for the Petitioner : MR. KOONA REDDY ANJI REDDY

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.13150 OF 2004

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ORAL ORDER :

This writ petition is filed aggrieved by the alleged action of the respondents in granting and permitting sand quarrying in Kanchikacherla village and mandal, Krishna district as arbitrary and illegal and for a consequential direction to the respondents not to permit any sand quarrying in future in Kanchikacherla village and mandal.

In the affidavit filed in support of the writ petition, it is stated that in Kanchikacherla village sand quarrying is taking place since last one year and the same is going without control and if the same is allowed to continue it will affect the underground water both for drinking purpose as well as for agricultural purposes. It is also alleged that most of the wells and bore-wells in Kanchikacherla village were dried up because of the continuous sand quarrying for the past one year.

This Court while directing Rule Nisi, by order dated 28-07-2004 granted interim direction to the respondents not to permit any sand quarrying by any one in Kanchikacherla village and mandal, Krishna district.

Now, on behalf of the respondents, a counter-affidavit has been filed stating that no sand quarrying is taking place in Kanchikacherla village and there is no sand reach

as alleged by the petitioner. It is further stated that sand quarrying is taking place only in Ganiatkuru sand reach in Kanchikacherla mandal, but not in Kanchikacherla village. It is also stated that Kanchikacherla Mandal is placed in comfortable zone of Category-IV and as per the report of the Deputy Director, Ground Water Department, water levels are available between 5 to 10 meters. The allegation of the petitioner that the wells and bore-wells in Kanchikacherla village are getting dried up has been denied and it is stated that sand quarrying is taking place only in one or two pockets of Krishna River which falls under category-V wherein sand mining is not prohibited as per Water, Land and Trees Act, 2002. A copy of the letter addressed by the Deputy Director, Ground Water Department, Seetharamapuram, Vijayawada, dated 28-07-2003 enclosing the statement showing categorization of the mandals and indicating water levels has been placed before this Court which shows that the Kanchikacherla mandal is categorized in category-IV.

In the light of the averments in the counter-affidavit, I do not find any substance in the allegations made by the petitioner.

Accordingly, recording the statement of the respondents in their counter-affidavit denying the allegations made by the petitioner and stating that Kanchikacherla Mandal is placed in

comfortable zone of Category-IV, the Writ Petition is disposed of. No costs.

26th November, 2004.

Gbs

To

- 1 The District Collector, Krishna District, Andhra Pradesh.
- 2 The Secretary, State of Andhra Pradesh, Panchayat Raj Rural Development Department, Secretariat Buildings, Hyderabad.
- 3 The Chairman, District Level Committee of Sand Auction, Zilla Parishad, Krishna District, Machilipatnam, A.P.
- 4 The District Panchayat Officer, Nandigama Division, Krishna District, Andhra Pradesh.

5.2CCs to G.P. for Panchayat Raj & Rural Development, High Court of AP Bldgs, Hyderabad (OUT).

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